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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,341	10/17/2003	Robert M. Ransom	WEC-131-A	7081

7590

08/10/2005

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EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,341	Applicant(s) RANSOM, ROBERT M.	
	Examiner Harry A. Grosso	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 and 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings were received on June 10, 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Jones (6,019,224). Jones discloses a protective liner that is capable of being used in a storage area of a vehicle, comprising a floor (22, Figure 2 and column 4, lines 57-63), walls (16), a sleeve (20) and a resilient frame (21 and column 2, lines 12-15), made from a flexible, substantially impermeable material (column 2, lines 2-7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Cesare (6,105,842). Jones discloses the protective liner but does not teach that it is the shape and size of a cargo compartment of a motor vehicle. Cesare discloses a protective liner in the shape of a pickup truck bed to allow use of the bed for storing possessions (column 1, line 66 to column 2, line 3). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to have incorporated the use of a protective liner in the shape of a pickup truck bed as disclosed by Cesare with the protective liner disclosed by Jones to allow use of the pickup truck bed for storing possessions.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Behlman (5,215,205). Jones discloses the protective liner as discussed in paragraph 3 above but does not teach that the liner is removably secured to the storage area. Behlman discloses a protective liner for use in the cargo area of a vehicle and further discloses that the liner is secured in the cargo area by the use of a hook and loop type gripper (43, Figure 1 and column 3, lines 57-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a hook and loop type gripper as disclosed by Behlman with the protective liner disclosed by Jones to allow securing of the liner in position in the cargo area.

7. Claims 10 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Samsel (5,810,194). Jones discloses the protective liner of claim 1 having an uncollapsed and collapsed orientation (Figure 6) but does not teach use of a container for the collapsed liner. Samsel discloses a protective liner with a container for storage and transportation of the liner (30, Figure 4, column 3, lines 48-51) with a closure (32) and a carrying strap (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a container for the liner with a closure and a carrying strap as disclosed by Samsel with

the liner disclosed by Jones to provide for easy storage and handling of the collapsed liner.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Behlman as applied to claim 7 above, and further in view of Cesare. Jones and Behlman disclose the liner of claim 7 but do not teach that it is the shape and size of a cargo compartment of a motor vehicle. Cesare discloses a protective liner in the shape of a pickup truck bed to allow use of the bed for storing possessions (column 1, line 66 to column 2, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a protective liner in the shape of a pickup truck bed as disclosed by Cesare with the protective liner disclosed by Jones to allow use of the pickup truck bed for storing possessions.

9. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Behlman as applied to claim 7 above, and further in view of Samsel. The protective liner of claim 7 having an uncollapsed and collapsed orientation (Figure 6) is disclosed but Jones and Behlman do not teach use of a container for the collapsed liner. Samsel discloses a protective liner with a container for storage and transportation of the liner (30, Figure 4, column 3, lines 48-51) with a closure (32) and a carrying strap (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a container for the liner with a closure and a carrying strap as disclosed by Samsel with the liner disclosed by Jones to provide for easy storage and handling of the collapsed liner.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Behlman, Cesare, Samsel and Larga et al (6,167,898), Jones, Behlman, Cesare and Samsel disclose the protective liner comprising a floor, a sleeve and a resilient frame, made from a flexible substantially impermeable material, having a shape and size substantially the same as the shape and size of a vehicle storage area, removeably attached to a vehicle storage area, having an uncollapsed and collapsed orientation and a container with a closure for protecting and transporting the liner as discussed in paragraphs 3-7 above. Jones, Behlman, Cesare and Samsel do not teach the container has two straps. Larga et al discloses a container for protecting and transporting a protective liner with two carrying straps (46, 47, Figure 10, column 6, lines 56-57 and 65-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a container for protection and transportation of the liner having two carrying straps as disclosed by Larga et al with the liner disclosed by Jones, Behlman, Cesare and Samsel to provide for easier and more comfortable handling of the collapsed liner.

Response to Arguments

11. Applicant's arguments filed June 10, 2005 have been fully considered but they are not persuasive.

12. Applicant argues that Jones does not disclose a vehicle storage area. In response, the examiner considers the phrase "for a vehicle storage area" to define intended use as conceded by applicant in his argument. Jones is capable of being used in a vehicle storage area.

13. Applicant argues that the liner of Jones is waterproof and, hence, not substantially impermeable. In response, Webster's unabridged dictionary defines impermeable as "not permitting passage (as of a fluid) through its substance." Thus Jones could be considered substantially impermeable.

14. Applicant argues that Jones does not disclose vehicle storage area or a liner of shape and size to fit the storage area. In response, see the above rejections.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-

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4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

hag

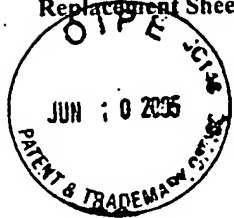
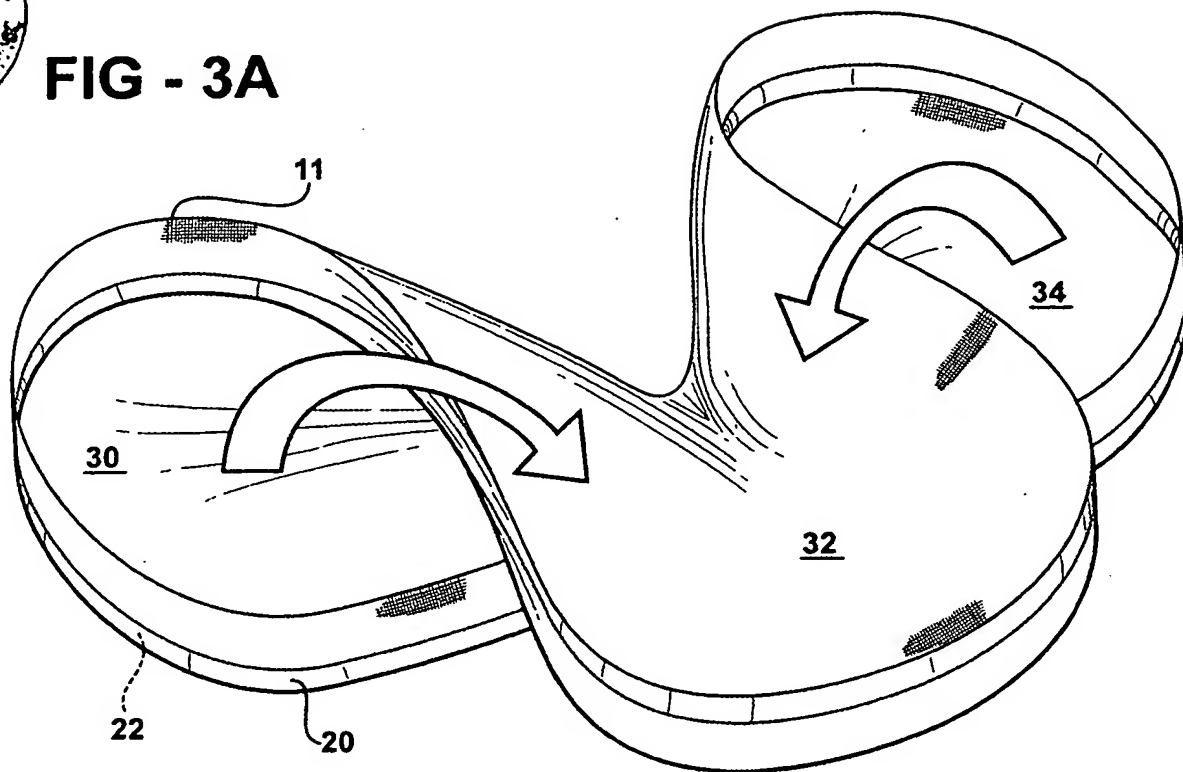
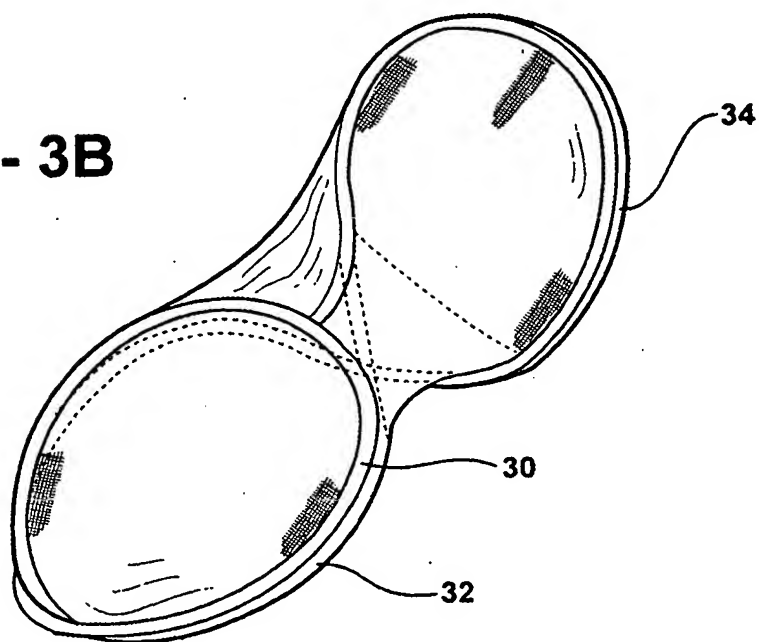


FIG - 3A



*Accepted
for entry
2/2/06*

FIG - 3B





*Accepted
for entry
JH*

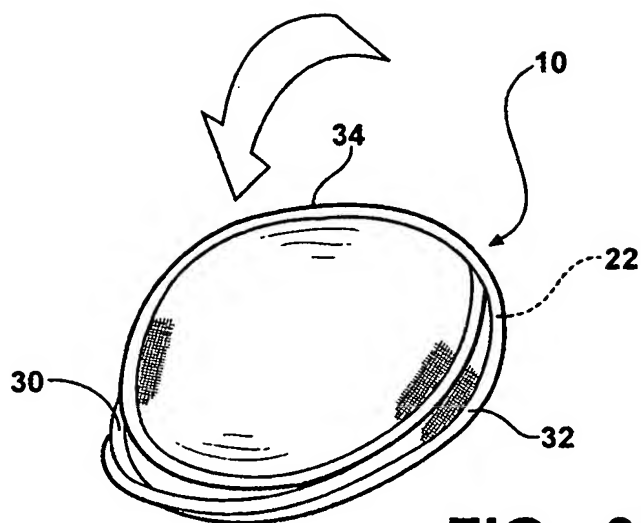


FIG - 3C

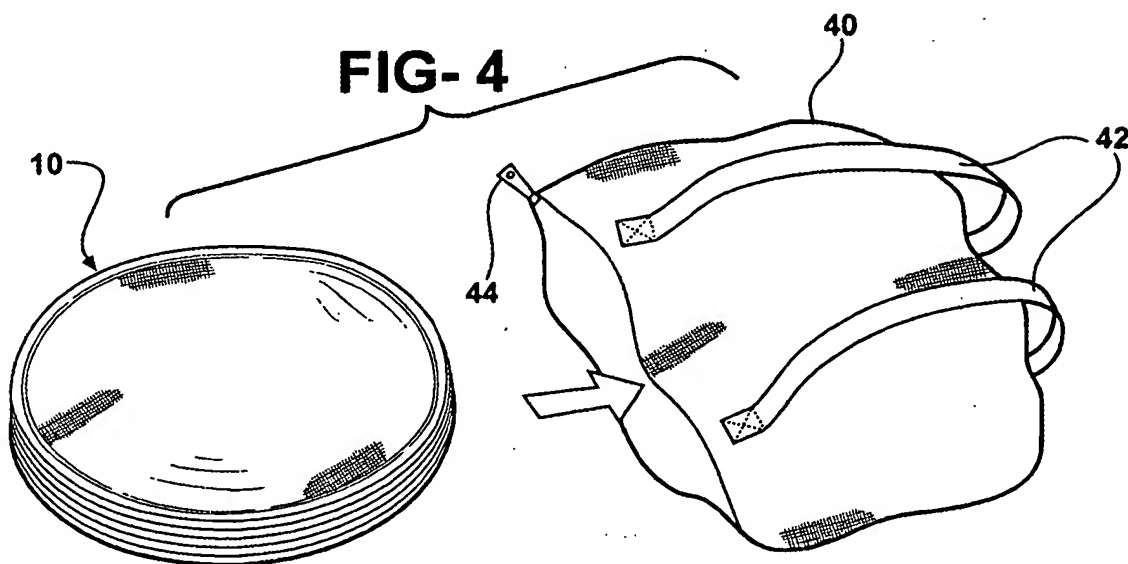


FIG - 4